

Central Valley Regional Water Quality Control Board

Revised 22 March 2019

18 March 2019

Ms. Melissa A. Thorme
Downey Brand LLP
621 Capital Mall, 18th Floor
Sacramento, CA 95814

Via Email

Supplemental Notice of Public Hearing

Cease and Desist Order
For
Valley Water Management Company
McKittrick 1 & 1-3 Facility, Kern County

Ms. Thorme,

The Central Valley Water Board intends to afford Valley Water Management Company ("VWMC") the full opportunity to be heard at the June hearing. The notice issued with the draft Cease and Desist Order ("Order") on 25 February 2019 did not specify that the hearing would be conducted as an "informal" hearing; all procedures required under applicable regulations for regular adjudicative proceedings will apply. These procedures can be found on the Board's website at: https://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.html. VWMC, as the party named in the Order, will have the opportunity to present testimony, cross-examine witnesses, and present a closing statement.

Furthermore, the evidence that the Board is relying upon to issue the permit was presented to VWMC when the draft CDO was circulated for public comment on 25 February 2019 – it is contained in the Board's Staff Report, including the appendices and the documents referenced therein. As per the notice, VWMC is being afforded the opportunity to present "testimony, evidence and/or comments in writing to the Central Valley Water Board no later than **5:00 p.m. on 29 March 2019.**" (This is also the deadline that applies to all commenters that wish to submit policy statements and recommendations to the Board.)

You have also requested the opportunity to provide rebuttal testimony, which is allowed under applicable regulations. (Cal. Code Regs., tit. 23, § 648.4, subd. (f).) In order to respond to VWMC's request, and to ensure an orderly consideration of the pending matter, the following deadlines will apply to the hearing.

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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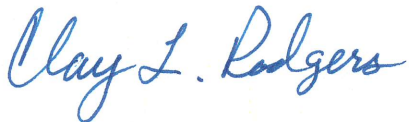
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Board Provides Evidence Relied Upon for CDO:	25 February 2019 (past)
Board Provides List of Witnesses and Subject(s) of Witness Testimony:	18 March 2019
VWMC and all Commenters Provide Testimony, Evidence and/or Comments in Writing to the Board, along with a List of Witnesses and Subject(s) of Testimony:	8 April 2019 by 5:00 p.m. 29 March 2019 (original deadline)
Regional Board Posts Responses to Comments on Tentative Webpage (https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/):	13 May 2019
Rebuttal Comments and/or Evidence Due:	20 May 2019

Lastly, any requests for time at the hearing should be made by the **29 March 2019** deadline.

Enclosed is the Central Valley Water Board's proposed witness list. If you have any questions regarding these matters, please contact Jessica Jahr at (916) 341-5168.



CLAY L. RODGERS
Assistant Executive Officer

Attachments: Native American Tribal Government Consultation List Kern County
Concerned Persons and Agencies List

Enclosure: Central Valley Water Board Witness List